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Friday, January 27, 2012

ACTA: The Corporate Usurpation of the Internet

Nile Bowie
Activist Post

In the wake of a public outcry against internet regulation bills such as SOPA and PIPA, representatives of the EU have signed a new and far more threatening legislation yesterday in Tokyo. Spearheaded by the governments of the United States and Japan and constructed largely in the absence of public awareness, the measures of the Anti-Counterfeiting Trade Agreement (ACTA) dramatically alter current international legal framework, while introducing the first substantial processes of global internet governance.

With complete contempt towards the democratic process, the **negotiations of the treaty were exclusively held between industry representatives and government officials**, while excluding elected representatives and members of the press from their hearings.

Under the guise of protecting intellectual property rights, the treaty introduces measures that would allow the private sector to enforce sweeping central authority over internet content. The ACTA abolishes all legal oversight involving the removal of content and allows copyright holders to force ISPs to remove material from the internet, something that presently requires a court order. ISPs would then **be faced with legal liabilities** if they chose not to remove content. Theoretically, personal blogs can be removed for using company logos without permission or simply *linking* to copy written material; **users could be criminalized, barred from accessing the internet and even imprisoned for sharing copyrighted material**. Ultimately, these implications would be starkly detrimental toward the internet as a medium for free speech.

The Obama Administration subverted the legal necessity of allowing to US Senate to ratify the treaty by unconstitutionally declaring it an "*executive agreement*" before the **President promptly signed it on October 1st, 2011**. As a touted constitutional lawyer, Barack Obama is fully aware that **Article 1, Section 8 of the US Constitution**, mandates Congress in dealing with issues of intellectual property, thus voiding the capacity for the President to issue an executive agreement. **The White House refused to even disclose details about the legislation** to elected officials and civil libertarians over concern that doing so may incur "*damage to the national security*." While some may hang off every word of his sorely insincere speeches and still be fixated by the promises of hope offered by brand-Obama, his administration has trampled the constitution and introduced the most comprehensive authoritarian legislation in America's history.

In addition to imposing loosely defined criminal sanctions to average web users, the ACTA treaty will also **obligate ISPs to disclose personal user information to copyright holders**. The measures introduce **legislative processes that contradict the legal framework of participant countries** and allows immigration authorities to search laptops, external hard drives and Internet-capable devices at airports and border checkpoints. The treaty is not limited solely to internet-related matters, ACTA would **prohibit the production of generic pharmaceuticals** and outlaw the use of certain seeds for crops through patents, furthering the corporate cartelization of the food and drug supply.



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ACTA would allow companies from any participating country (which include EU member states, the United States, Canada, Mexico, Australia, New Zealand, Japan, South Korea, Singapore and Morocco) to shut down websites without any explanation. Hypothetically, nothing could prevent private Singaporean companies from promptly taking down American websites that oppose the Singapore Air Force conducting war games on US soil, [such as those conducted in December 2011](#). By operating outside normal judicial framework, exporting US copyright law to the rest of the world and mandating private corporations to conduct surveillance on their users, all prerequisites of democracy, transparency and self-expression are an afterthought.

The further monopolization of the existing resources of communication, exchange and expression is ever present in the form of deceptive new articles of legislation that unanimously call for the implementation of the same austere censorship measures. Even if the ACTA treaty is not implemented, the [Trans-Pacific Partnership Agreement \(TTP\)](#) between Australia, Brunei, Chile, Malaysia, New Zealand, Peru, Vietnam and the United States offers more extensive intellectual property regulations. Leaked documents prepared by the U.S. Business Coalition ([which have been reportedly drafted](#) by the Pharmaceutical Research and Manufactures of America, the US Chamber of Commerce, and the Motion Picture Association of America) report that in addition to ACTA-style legislation, [the TTP will impose fines on non-compliant entities and work to extend the general period of copy write terms on individual products](#).

Under the sweeping regulations of the Trans-Pacific Partnership, individual infringers will be criminalized and sentenced with the same severity as large-scale offenders. Within the United States, the recently [announced Online Protection and Enforcement of Digital Trade \(OPEN\) H.R. 3782](#) regulation seeks to install policies largely identical to SOPA and PIPA. The Obama administration is also [working towards an Internet ID program](#), which may be mandatory for American citizens and required when renewing passports, obtaining federal licenses, or applying for social security. Spreading these dangerous measures to other countries participating in these treaties would necessitate a binding obligation on the US to retain these policies, averting any chance of reform.



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The ACTA will become law once it is formally ratified and cleared by the European Parliament in June. By [petitioning members of the European parliament and educating others](#) about the potential dangers imposed by this legislation, there is a chance of the treaty being rejected. Upon closer examination of the human condition with all of its inequalities, food insecurity and dire social issues, our governments have lost their legitimacy for giving such unwarranted priority to fighting copyright infringement on behalf of lobbyists from the pharmaceutical and entertainment industries. The existence of ACTA is a clear statement that surveillance, regulations and securing further corporate centralization dwarfs any constructive shift towards stimulating human innovation and self-sufficient technologies.

When former US National Security Advisor and Trilateral Commission co-founder, Zbigniew Brzezinski spoke before the Council on Foreign Relations in 2010, he [warned of a global political awakening beginning to take place](#). Technology such as file sharing, blogging, and open source software has the potential to undermine the oligarchical governing interests seeking to centrally control our society and enforce the population into being entirely dependent on their commodities. The following excerpt from Brzezinski's book *Between Two Ages: America's Role in the Technetronic Era*, provides invaluable insight into the world being brought in; *"The technetronic era involves the gradual appearance of a more controlled society. Such a society would be dominated by an elite, unrestrained by traditional values. Soon it will be possible to assert almost continuous surveillance over every citizen and maintain up-to-date complete files containing even the most personal information about the citizen. These files will be subject to instantaneous retrieval by the authorities."*

Article originally posted [here](#).

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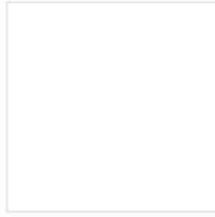
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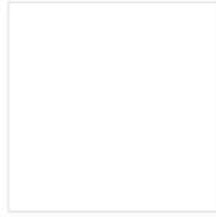
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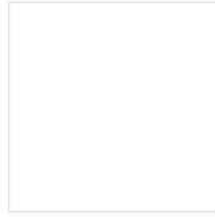
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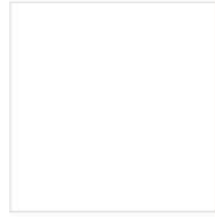
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Posted by Activist at 3:31 AM Labels: [civil liberties](#), [Internet freedom](#)

1 comments:

Anonymous said...

If it was really about anti-piracy they would have to ban all manner of recording equipment, and the fact they haven't is proof enough it's all about censorship by powerful interests.

January 27, 2012 7:41 AM

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